

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 25-CR-117 (ECT/SGE)

United States of America,)
)
Plaintiff,)
)
v.)
)
Justin David Eichorn,)
)
Defendant.)

**DEFENDANT’S MOTION TO
SUPPRESS STATEMENTS**

The defendant, Justin David Eichorn, by and through his lawyers, Charles L. Hawkins and Arthur J. Waldon, IV, respectfully moves this court for an order suppressing his March 17, 2025 statements made to Bloomington police officers following his arrest, any and all statements made during his transport to the Bloomington Police Department or the Hennepin County Jail or other statements made on March 17, 2025 in the absence of any *Miranda* warning. Mr. Eichorn also asks this court to suppress any derivative evidence obtained from the non-Mirandized statements made on March 17, 2025, including the phones, condom and U.S. Currency seized from his vehicle. The statements and derivative evidence should be suppressed on the following grounds:

1. Mr. Eichorn’s statements occurred following his arrest and during custodial interrogation in the absence of a *Miranda* warning.
2. Mr. Eichorn’s statements were not voluntarily made.
3. The statements were derived from Mr. Eichorn’s illegal arrest.

ARGUMENT

Mr. Eichorn makes this motion based on the Fourth and Fifth amendments of the United States Constitution, Rule 12 of the Rules of Criminal Procedure, all records and files in this case, the interests of justice, and all other arguments that may be presented to this court. Additionally, Mr. Eichorn respectfully requests an evidentiary hearing to address this motion.

LEGAL BASIS FOR SUPPRESSION

Mr. Eichorn was arrested on March 17, 2025 as he was entering his truck to leave the area of the 8300 block of Normandale Blvd. Law enforcement officers explicitly informed Mr. Eichorn he was “under arrest” as soon as they approached him. At this time, Mr. Eichorn was unquestionably in custody. Officers commenced questioning him about the keys to his truck, his phone, permission to go into his vehicle, along with other questioning. Mr. Eichorn was not provided a *Miranda* warning or advised of his rights pursuant to *Miranda* before his interrogation started. *United States v. New*, 491 F.3d 369, 373 (8th Cir. 2007) (*Miranda* warnings are required when a person is taken into custody). Additionally, any and all statements or questioning of Mr. Eichorn while on the way to the Hennepin County Jail were intended to illicit an incriminating response.

Further, these statements are derived from Mr. Eichorn’s illegal arrest and require suppression. *Wong Sun v. United States*, 371 U.S. 471 (1963).

Dated: June 6, 2025

Respectfully submitted,

/s/ Charles L. Hawkins

Charles L. Hawkins (Attorney No. 124369)
150 S. Fifth Street, Ste. 2860
Minneapolis, MN 55402
Tel: (612) 339-6921
Email: clhcrimlaw@yahoo.com

/s/ Arthur J. Waldon

Arthur J. Waldon (Attorney No. 0397729)
P.O. Box 1242
Lakeville, MN 55044
Tel: (612) 719-0625
Email: arthur@waldonlawmn.com

Attorneys for Defendant